

## MEMORANDUM

March 4, 2015

**TO:** Landmarks Board

**FROM:** Lesli Ellis, Comprehensive Planning Manager  
James Hewat, Senior Historic Preservation Planner  
Marcy Cameron, Historic Preservation Planner  
Angela Smelker, Historic Preservation Intern

**SUBJECT:** Public hearing and adoption of amendments to the General Design Guidelines for Local Historic Districts and Individual Landmarks to create pool guidelines pursuant to the rulemaking procedures set forth in Chapter 1-4, B.R.C. 1981.

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### STAFF RECOMMENDATION:

Staff recommends the Landmarks Board enact guidelines to become Section 2.7 *Pools* of the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks* as proposed in Attachment A, adopting this memo as findings for this decision.

### PURPOSE:

For the Landmarks Board to review the proposed administrative regulations/revisions to the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks* to address pools and, if appropriate, adopt them as Section 2.7 *Pools* of the *General Design Guidelines*. On Feb. 2, 2015, the Landmarks Board approved as to substance the proposed administrative regulations. Staff has initiated the rulemaking process per *Rulemaking*, Chapter 1-4, of the Boulder Revised Code. See Attachment A: Proposed Pool Design Guidelines and Attachment B: Notice of Rule-Making

### BACKGROUND:

- In 1990, the Landmarks Board adopted the *Secretary of the Interior's Standards for Rehabilitation* as the basis for guidance for reviews of proposed alterations to locally designated historic properties.
- District-specific design guidelines have been developed for seven of Boulder's ten historic districts.

- In 2003, the Landmarks Board developed and adopted the General Design Guidelines to expand the *Standards* and bring focus to Boulder's unique historic context and resources.
- The General Design Guidelines were revised in 2007 to address window replacement and restoration and energy efficiency.
- In the fall of 2013, a subcommittee of the Landmarks Board formed to develop pool design guidelines in response to several applications for the construction of swimming pools and spas in the Mapleton Hill Historic District.
- On Feb. 4, 2015, the Landmarks Board approved as to substance the proposed pool design guidelines and requested that staff initiate the rulemaking process per *Rulemaking*, Chapter 1-4, of the Boulder Revised Code.
- The City Attorney's Office has reviewed the guidelines as to form and legality.
- Three copies of the proposed revision were filed with the City's Central Records Department on February 13, 2015 and was published in the Boulder Daily Camera February 15, 2015 to allow for public comment per *Rulemaking*, Chapter 1-4, of the Boulder Revised Code 1981.

## **PUBLIC COMMENT**

In 2014, an informational postcard soliciting feedback was mailed to all individually designated properties and those located within historic districts. Of the 1,600 postcards mailed, eight responses were received. Five responses were from residents in the Mapleton Hill Historic District and generally opposed adding pool guidelines, citing that it may encourage pool applications. Three responses from residents of the Highland Lawn Historic District were received; all strongly opposed pools in the historic district. A representative from Historic Boulder, Inc. spoke at the Apr. 2, 2014 meeting and reported that the Preservation Committee considered the changes to be too broad and overly restrictive. The pool design guidelines continued to be developed in 2014. In Dec. 2015, Catherine Schweiger wrote to the Landmarks Board, requesting that the draft guidelines be revised to allow the choice of decking material to be left to the discretion of the applicant.

## **Summary of 2014 Public Feedback**

### **MAPLETON HILL**

- J. Kabili, Mapleton Hill, opposed to adding pool guidelines/opposed to pools (proposed guidelines are too lenient, may encourage pools, should not be allowed.)
- E. Araphiles, opposes changes to the design guidelines/opposed to pools

- J. Wong, Mapleton Hill, opposed to changing the guidelines; in support of pools (should focus on other issues)
- C. Carlise, Mapleton Hill, asked her comments re: 401 Pine be included; she spoke in opposition of the LAC application for a swimming pool at the Feb. 6, 2013 Landmarks Board meeting.
- B. Schweiger, Mapleton Hill, pools and other modern features should be allowed.

#### **HIGHLAND LAWN**

- P. Sheets, Highland Lawn, opposed to swimming pools (anachronistic)
- F. Sheets, Highland Lawn, opposed to swimming pools (does not add to the historic value of the neighborhood)
- E. English, Mapleton Hill, opposed to swimming pools (detract from historic character; rules reasonable if they are already allowed)

#### **HISTORIC BOULDER**

Commented that the wording in the document was too broad, overly restrictive; i.e. side yard pools may be appropriate, especially with proper screening (moderate visibility okay).

**SUGGESTED MOTION** *I move that the Landmarks Board adopt the proposed guidelines to become Section 2.7 "Pools" of the General Design Guidelines for Historic District and Individual Landmarks pursuant to the rulemaking procedures set forth in Chapter 1-4, B.R.C. 1981 and adopt the staff memorandum dated March 4, 2015 as findings of the board.*

#### **ATTACHMENTS:**

- A: Proposed amendments to the General Design Guidelines
- B: Notice of Rulemaking for Amendments to the *General Design Guidelines* per Chapter 1-4 of the Boulder Revised Municipal Code, 1981

**CITY OF BOULDER**  
**General Design Guidelines for Boulder's Historic Districts and Individual Landmarks**  
**Proposed Pool Design Guidelines**

**The following design guidelines are proposed to be added to the General Design Guidelines, Section 2, Site Design.**

**2.7 Pools**

*Pools (including hot tubs and spas) reflect contemporary lifestyles and were not traditionally part of the fabric of historic districts during their periods of significance. The following guidelines are designed to minimize the potential impact that pools have on the historic character of the site and/or the district as a whole.*

*Pool design and associated paving, patios, structures and/or mechanical equipment, must be sensitive to and compatible with the overall historic character of the property and/or of the district as a whole. The impact of contemporary site features or equipment such as pools and associated features can sometimes be diminished through careful siting and screening. **In most cases, the introduction of a pool will be so detrimental to the character of the site or the streetscape that such construction will be inappropriate.***

**.1 General**

- a. Pools and associated features should be located in an inconspicuous location so as not to be visible from a public right-of-way.
- b. Pools and associated features should not obscure the view of or negatively impact any contributing buildings or features on the site.
- c. Above-ground pools are not appropriate; in-ground pools should be designed to be unobtrusive.

**.2 Siting**

- a. Pools should be constructed in rear yards only and are generally inappropriate in side yards or front yards.
- b. On corner lots, pools should be located at the portion of the rear yard farthest from the public rights-of-way. It may not be possible to locate a pool on a corner lot in a way that is not visible from a public right-of-way.
- c. Pools should be designed and located so as to allow for future removal without damage to the historic property.
- d. A back yard planted area should be preserved when locating the pool, maintaining the appropriate proportion of paving and other hardscape to open space on the property.

### **.3 Fencing and Screening**

- a. Fences, including required security fencing, will be reviewed as part of the overall project and should be consistent with the General Design Guidelines and applicable district-specific design guidelines.
- b. Chain link fencing is generally inappropriate.
- c. Vegetative screening should be indicated on project landscape plans and should be maintained.

### **.4 Materials & Colors**

- a. Patios and decks surrounding the pool should be of materials such as stone or brick.
- b. Pool finishes and colors (including interior liner, tile, & pool covers) should be subdued.

### **.5 Lighting**

Lighting for swimming pools should be low intensity and beneath the surface of the water or at ground level.

### **.6 Grading**

Grading modifications will be reviewed as part of the overall project and should meet the General Design Guidelines and applicable district-specific design guidelines.

### **.7 Paving, decks, patios**

- a. Paving, decks, and patios surrounding the pool area will be reviewed as part of the overall project and should be consistent with the General Design Guidelines and applicable district-specific design guidelines.
- b. Paving and patios surrounding the pool should be limited in dimension and permeable to the greatest extent possible.

### **.8 Pool & Spa Mechanical Equipment**

- a. Mechanical equipment should be located inconspicuously so as not to be visible from the public right-of-way.
- b. Mechanical equipment should be located at or below ground level and shall be screened through fencing or landscape screening. Landscape screening should be indicated on project plans and maintained.



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**Notice of Rule-Making**

The Landmarks Board of the City of Boulder proposes to adopt the following rule by the rulemaking procedures set forth in Chapter 1-4 of the Boulder Revised Municipal Code, 1981.

The Secretary of the Board has filed three copies of the proposed rule with the City Clerk, located in the Municipal Building, 1777 Broadway, Boulder, Colorado, on January 15, 2015. Those copies are available for public review and comment until February 4, 2015. Written comments should be submitted to James Hewat at [hewatj@bouldercolorado.gov](mailto:hewatj@bouldercolorado.gov) or the above address by January 30, 2015.

A public hearing will be held by the Landmarks Board on February 4, 2015 sometime after 6 pm to consider adoption of these rules. The hearing will be held in the City Council Chambers, 1777 Broadway, Second Floor. Public testimony will be accepted.

The proposed rule was approved as to substance prior to publication by the Landmarks Board at their January 7, 2015 meeting.

The proposed rule was approved as to form by the City Attorney's Office on January 15, 2015.

Notice of intent to adopt the rule was published in the Daily Camera on January 20, 2015.

## REGULATION RULE

Amendments to Section 2 *Site Design*, of the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks* to create pool guidelines for historic districts and individual landmarks.

This regulation is established to provide guidance for the construction of pools and associated features in Boulder's local Landmark Districts and on individually Landmarked properties that are consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

The City Manager of the City of Boulder proposes to adopt a regulation to amend Section 2 *Site Design*, of the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks*. As proposed, the amended design guidelines will preserve the historic character of the place while providing guidance on how pools and associated features may be constructed in historic areas and on historic properties. A full and complete copy of the revised guidelines are available for public review at Central Records at the Municipal Building, 1777 Broadway Street 2<sup>nd</sup> floor, Boulder Colorado, 80302 or online at [www.boulderhistoricpreservation.net](http://www.boulderhistoricpreservation.net).